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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

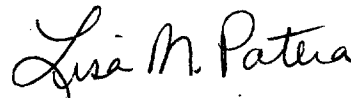
Re: Amendment of Section 73.202(b)
Table of Allotments, FM Broadcast Stations
(Oraibi and Leupp, AZ)
MM Docket No. 98-179, RM-9334

Dear Ms. Salas:

On behalf of Guyann Corporation, submitted herewith is an original and four copies of its Opposition to Motion to Strike Reply Comments filed by Oraibi Media Association in the above-referenced proceeding.

If there are any questions in regard to this matter, kindly communicate directly with this office.

Sincerely yours,



Lisa M. Patera

LMP:dh
Enclosure

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ORIGINAL

Before The
Federal Communications Commission
Washington, D.C. 20554

FEB - 2 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Oraibi and Leupp, Arizona))

MM Docket No. 98-179
RM-9334

To: Chief, Allocations Branch
Mass Media Bureau

Opposition to Motion to Strike Reply Comments

Guyann Corporation ("Guyann"), licensee of KAFF(AM)/KAFF-FM and KMGN(FM), Flagstaff, Arizona, by its attorneys and pursuant to Section 1.420 of the Commission's Rules, hereby submits its opposition to the Motion to Strike Reply Comments filed by Oraibi Media Association ("OMA") in the above-referenced proceeding. Guyann filed Reply Comments in Opposition ("Reply Comments") to the Commission's Notice of Proposed Rulemaking ("NPRM") to reallocate Channel 255C from Oraibi to Leupp, Arizona, and to modify the license for KBDT(FM) ("KBDT") accordingly.

I. Guyann's Reply Comments are Properly Filed and Should be Considered by the Commission.

OMA has moved to strike Guyann's Reply Comments on the basis that Guyann did not refute OMA's satisfaction of the Tuck analysis to demonstrate Leupp's independence from Flagstaff. Guyann, however, did not contest that Leupp is a community sufficiently independent of Flagstaff, or

that it is a community deserving of local radio service targeted to its community. *See* Reply Comments at 2, n. 1. Guyann opposed OMA's proposal to reallocate KBDT from Oraibi to Leupp because no change in the community of license is necessary – KBDT provides a 70 dBu signal to Leupp without the requested reallocation. Reply Comments at 3.

In addition, Guyann asserted that OMA's Comments do not respond to the Commission's explicit request that it identify *additional* public interest benefits, beyond those stated in its Petition for Rulemaking ("Petition"), that would result from its reallocation request. Reply Comments at 2-3. Rather, OMA's Comments simply described the public interest benefits previously outlined in its Petition. The Commission requested additional public interest benefits information "since [OMA] proposes no reception change in the present technical facilities of Station KBDT(FM) to accommodate its proposal." *NPRM* at 2-3. This request was in addition to the Commission's request for additional information responsive to a Tuck analysis. *See Id.* Guyann submitted that OMA did not indicate additional public interest benefits because none exist. Reply Comments at 3. Guyann's Reply Comments properly addressed OMA's lack of response to the Commission's request and should not be dismissed.

Guyann stated that it would have no objection to OMA's proposal if OMA represents to the Commission that it has no intentions of moving its transmitter site closer to Flagstaff in the future. Reply Comments at 4. OMA has ignored Guyann's challenge and instead moved to strike Guyann's Reply

Comments. This substantiates Guyann's reservations that the real reason OMA wishes to reallocate KBDT from Oraibi to Leupp is to eventually move its transmitter site to a location that better serves the larger community of Flagstaff.

II. Conclusion

OMA, in its Comments, did not respond to the Commission's request that it provide additional information regarding the public interest benefits that would result from the reallocation of KBDT from Oraibi to Leupp. Guyann properly addressed this issue in its Reply Comments. Therefore, its Reply Comments should not be dismissed. Rather, the Commission should consider the questions raised by Guyann's Reply Comments when determining whether to reallocate KBDT from Oraibi to Leupp.

Respectfully submitted,

GUYANN CORPORATION



Theodore D. Kramer
Lisa M. Patera

Its Attorneys

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February 2, 1999

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

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Counsel for Oraibi Media Associates



A handwritten signature in black ink, reading "Daniel L. Hood", is written over a horizontal line.

February 2, 1999